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Attorneys for Defendants Certain Underwriters at Lloyd's,
London Subscribing to Policy No. B0595XN5229017
(erroneously sued as Certain Underwriters at Lloyd's
London subscribing to Besso policy number
B0595XN5229017, Apollo Liability Consortium Number
9984, including Apollo Syndicate Management Limited)

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FREYSSINET, INC., a Virginia corporation,

Plaintiff,

vs.

BESSO INSURANCE GROUP LTD., et al.,

Defendants.

Case No. 2:21-CV-00418-APG-BNW

**STIPULATION AND PROPOSED
ORDER TO CONTINUE STAY OF
COVERAGE ACTION PENDING
FURTHER SETTLEMENT
DISCUSSIONS**

1 This Stipulation is entered into by and between plaintiff Freyssinet, Inc. and defendants Certain
2 Underwriters at Lloyd's, London subscribing to policy no. B0595XN5229017 ("Underwriters")
3 (erroneously sued as Certain Underwriters at Lloyd's London subscribing to Besso policy number
4 B0595XN5229017, Apollo Liability Consortium Number 9984, including Apollo Syndicate
5 Management Limited) by and through their undersigned counsel, with reference to the following:

6 WHEREAS, Freyssinet filed a complaint initiating the instant action on March 12, 2021,
7 captioned *Freyssinet, Inc. v. Besso Insurance Group Ltd.*, Case No. 2:21-CV-00418-APG-BNW (D.
8 Nev.) (the "Coverage Action").

9 WHEREAS, on April 12, 2021, Underwriters filed an answer in the Coverage Action. (ECF
10 No. 13.)

11 WHEREAS, pursuant to stipulation, the Court dismissed the following parties from the
12 Coverage Action without prejudice: Apollo Liability Consortium Number 9984 (ECF No. 44); Apollo
13 Syndicate Management Limited (ECF No. 44); and Besso Insurance Group Ltd. (ECF No. 46).

14 WHEREAS, Freyssinet and Underwriters are the only parties remaining in the Coverage
15 Action (the "Parties").

16 WHEREAS, the Court approved a stipulated stay of the Coverage Action on June 8, 2021, to
17 allow the Parties to prepare for and participate in a mediation that could entirely resolve the matters in
18 dispute in the Coverage Action. (ECF No. 49.)

19 WHEREAS, the Court ordered the Parties to provide an update regarding their efforts to
20 mediate this matter on or before August 10, 2021. (ECF No. 49.)

21 WHEREAS, in the absence of a notification of settlement and planned dismissal with
22 prejudice, the Parties agreed to schedule and participate in a Rule 26(f) conference on or before August
23 26, 2021, and to file a proposed discovery plan and scheduling order within 14 days of the conference,
24 and no later than September 9, 2021. (ECF No. 49.)

25 WHEREAS, the Parties participated in a mediation on July 27, 2021 with neutral Ross Hart.

26 WHEREAS, the Parties have not reached agreement, but they are currently evaluating a
27 mediator's proposal with a deadline of August 30, 2021.

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WHEREAS, mediator Mr. Hart requested that the Parties adopt a standstill on any claim prosecution or defense activity while they are in the process of evaluating and responding to the mediator's proposal.

WHEREAS, successful mediation will enable Freyssinet to dismiss the Coverage Action in its entirety with prejudice, obviating the need for further litigation.

WHEREAS, the Parties believe that a continued stay of the Coverage Action will make resolution more likely, as a continued stay will enable the Parties to focus on evaluating the pending mediator's proposal.

WHEREAS, the Parties believe that a continued stay of the Coverage Action will limit the need for Court involvement in the Parties' dispute.

WHEREAS, the Parties agree that if the pending mediator's proposal is not accepted on August 30, 2021, they will schedule and participate in a Rule 26(f) conference by September 10, 2021, and will file a proposed discovery plan and scheduling order by September 24, 2021, within 14 days of the Rule 26(f) conference.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

1. The stay of the Coverage Action is continued to allow the Parties to evaluate a pending mediator's proposal that resulted from the Parties' mediation on July 27, 2021, with neutral Ross Hart.

2. On or before September 7, 2021, the Parties will update the Court regarding the status of their efforts to mediate this matter.

3. Unless they advise the Court that the Coverage Action has settled and will be dismissed with prejudice by a date certain, the Parties agree to schedule and participate in a Rule 26(f) conference

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on or before September 10, 2021 and to file a proposed discovery plan and scheduling order within 14 days of the conference, and no later than September 24, 2021.

DATED this 10th day of August, 2021.

BAILEY ♦ KENNEDY

By: /s/ Sarah E. Harmon

SARAH E. HARMON
STEPHANIE J. GLANTZ

- AND -

JAMES P. KOELZER
ELIZABETH L. MUSSER
JENNIFER MCKEE
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Attorneys for Defendants

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SNELL & WILMER LLP

By: /s/ Kelly Dove

KELLY DOVE
GIL KAHN

- AND -

DAVID E. SUCHAR
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Attorneys for Plaintiff
Freyssinet, Inc.

Order

IT IS SO ORDERED

DATED: 11:18 am, August 13, 2021



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE